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9 Attorneys for Defendant,
10 SAMUEL COHEN

11
12 IN THE UNITED STATE DISTRICT COURT,
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
14

15 UNITED STATES OF AMERICA,)	Case No. CR-10-0547 SI
)	
16 Plaintiff,)	
17 vs.)	DEFENDANT SAMUEL COHEN'S
)	SUPPLEMENT TO MOTION TO VACATE
18 SAMUEL COHEN,)	DETENTION ORDER
)	
19 Defendant.)	Date: October 19, 2010
)	Time: 10:00 a.m.
)	Place: Honorable Susan Illston
)	
)	
)	

20 On October 6, 2010, Defendant Samuel Cohen, by and through counsel of
21 record, filed his Motion to Vacate Detention Order and to Admit the Defendant to
22 Bail on Reasonable Conditions. Since that time, a matter has come to counsel's
23 attention, which we would like to make the Court aware of.
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25 In the Motion to Vacate, at pages 16 through 18, we discuss an issue
26 concerning defendant Cohen's father-in-law that was presented to the Magistrate in
27 Los Angeles during defendant's detention hearing in the Central District. The
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1 prosecutor had averred during that proceeding that information had come to the
2 government's attention that Mr. Stripling (Stacy Cohen's father) was defrauded by
3 Mr. Cohen, in the same manner as alleged in the Indictment, of \$7 million dollars.
4 We responded to this allegation in our filing. One of the facts presented in our
5 motion was incorrect. We stated that Mr. Stripling had never invested in Ecast at all,
6 and that all of the money he provided to Stacy and Mouli Cohen was in the form of
7 loans from Mr. Stripling's IRA (to avoid early withdrawal penalties), secured by
8 promissory notes. In fact, Mr. Stripling did invest approximately \$400,000 through
9 the purchase of Ecast stock. The remaining \$2.6 million dollars of his distribution
10 was in the form described in our Motion. This was counsel's error, which we regret,
11 and hasten to correct. We state, however, that there were no misrepresentations of
12 any kind made in connection with Mr. Stripling's investment.
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18 Dated: October 12, 2010

Respectfully submitted,

21 /s/ William L. Osterhoudt
22 WILLIAM L. OSTERHOUDT
23 Attorney for Defendant
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PROOF OF SERVICE

I am employed in the City and County of San Francisco, State of California. I am over the age of 18 and not a party to the within action; my business address is 135 Belvedere Street, San Francisco, California 94117.

On the date set forth below, I caused to be served the foregoing **DEFENDANT SAMUEL COHEN'S SUPPLEMENT TO MOTION TO VACATE DETENTION ORDER AND TO ADMIT THE DEFENDANT TO BAIL ON REASONABLE CONDITIONS** on all interested parties in this action by causing same to be served electronically to the following:

AUSA **Jeffrey Finigan** at email address: Jeffrey.Finigan@usdoj.gov

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 12, 2010 in San Francisco, California.

/s/ Dolores T. Osterhoudt
Dolores T. Osterhoudt